

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Huntington

Date: 8/10/2010

Case Number 3:07-cv-413

Case Style: OVEC vs. Apogee

Type of hearing Motion Hearing

Before the honorable: 2514-Chambers

Court Reporter Teresa Ruffner

Courtroom Deputy Terry Justice

Attorney(s) for the Plaintiff or Government Joe Lovett, Derek Teaney, James Hecker

Attorney(s) for the Defendant(s) Thomas Hurney, Blair Gardner, Robert McLusky, Richard Verheij

Law Clerk Corinna McMackin

Probation Officer

Trial Time

Motion to suppress or other evidentiary hearing. Type: for modification, show cause

Non-Trial Time

Court Time

9:05 am to 10:35 am

2:45 pm to 5:09 pm

10:53 am to 11:50 am

1:05 pm to 2:35 pm

Total Court Time: 6 Hours 21 Minutes Court actively conducting trial proceedings/Contested proceedings

Courtroom Notes

Hearing scheduled to commence: 9:00 am

Hearing commenced: 9:05 am

Continued cross examination of Mr. McHale.

Joint exhibit #11 identified.

Redirect.

10:35 am Recess

10:53 am Resume examination of Mr. McHale.

Joint exhibit #39 identified.

All exhibits identified are admitted.

Pltfs.' 3rd witness, Phillip Rooney, by videotaped deposition.

11:50 am Recess

1:05 pm Pltfs.' 4th witness, John Koon, Ph.D., sworn & examined.

Pltfs.' exhibit #1 identified.

Pltfs.' exhibit #5 identified.

Pltfs.' exhibit #61 identified.

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Pltfs.' exhibit #62 identified.

Pltfs.' exhibit #s 1, 5, 61, 62 admitted.

2:35 pm Recess

2:45 pm Resume

Cross examination of John Koon.

Redirect.

Pltfs.' exhibit #63 identified.

Pltfs.' exhibit #63 admitted.

Pltfs.' 5th witness, Mark Schroeder, sworn & examined.

Joint exhibit #13 identified.

Pltfs.' exhibit #65 identified.

Joint exhibit #32 identified.

Pltf.s' exhibit #66 identified.

5:09 pm Adjourn.